

**SWORN STATEMENT OR AFFIRMATION FOR CHILD-PLACING AGENCIES**

Please Print

Last Name	First	Middle	Maiden	Social Security Number
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Current Mailing Address	Street, P.O. Box #, Apt. #	City	State	Zip Code
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Name of Agency	Street, P.O. Box #, Apt. #	City	State	Zip Code
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*Please respond to all four (4) questions below:*

1. Have you ever been convicted of or are you the subject of pending charges of any crime within the Commonwealth of Virginia? ☐ Yes (convicted in Virginia) ☐ Yes (pending in Virginia) ☐ No

If yes to convicted or pending, specify crime(s): \_\_\_\_\_

\_\_\_\_\_

2. Have you ever been convicted of or are you the subject of pending charges of any crime outside the Commonwealth of Virginia? ☐ Yes (convicted outside Virginia) ☐ Yes (pending outside Virginia) ☐ No

If yes to convicted or pending, specify crime(s) and state, or other location:

\_\_\_\_\_

3. Have you ever been the subject of a founded complaint of child abuse or neglect within the Commonwealth of Virginia? ☐ Yes (in Virginia) ☐ No (in Virginia)

4. Have you ever been the subject of a founded complaint of child abuse or neglect outside the Commonwealth of Virginia? ☐ Yes (outside Virginia) ☐ No (outside Virginia)

If yes, specify state, or other location: \_\_\_\_\_

**I hereby affirm that the information provided on this form is true and complete. I understand that the information is subject to verification and that making a materially false statement or affirmation is a Class 1 misdemeanor.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## Explanation of Sworn Statement or Affirmation

**Requirement:** Sections 63.2-1720, 63.2-1721, and 63.2-1722 of the *Code of Virginia* (Code) require individuals to provide a sworn statement or affirmation to a licensing, approving or hiring authority, facility, or agency prior to licensure, approval, employment, or provision of volunteer services. A sworn disclosure or affirmation is a statement completed by a person attesting to whether he has ever been: (i) convicted of or the subject of pending charges of any crime within the Commonwealth or equivalent offense outside the Commonwealth, or (ii) the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth. The statement or affirmation must be made available to the Department of Social Services' representative. Further dissemination of the sworn statement information is prohibited other than to the Commissioner's representative or a federal or state authority or court in order to comply with an express requirement in the law for that dissemination.

**Who must comply:** These individuals must provide sworn statements or affirmations:

- Applicant upon application for licensure as a child-placing agency, and any subsequent person designated as applicant or licensee;
- Agent at the time of application for licensure who is or will be involved in the day-to-day operation of the child placing agency or who is or will be alone with, in control of, or supervising one or more of the children and any subsequent person designated as agent who will be involved in the day-to-day operation or will be alone with, in control of, or supervising one or more of the children;
- Any employee or volunteer of a licensed child placing agency who is involved in the day-to-day operations or who is alone with, in control of, or supervising one or more children.

**Exception:** A parent-volunteer is not required to provide a sworn statement or affirmation. A parent-volunteer is a person supervising, without pay, a group of children that includes the parent-volunteer's own child in a program that operates no more than four hours per day, provided that the parent-volunteer works under the direct supervision of a person who has received satisfactory background checks as provided for in the Code.

**Consequence:** If a person required to submit a sworn statement or affirmation (i) fails to submit a sworn statement or affirmation, or (ii) has been convicted of a barrier crime (specified below), or (iii) has been convicted of any other felony in the last five years, or (iv) has been the subject of a founded complaint of child abuse or neglect and the child-placing agency refuses to separate that person from employment or service:

- Licensure of a child placing agency is prohibited;
- Licensure of a child placing agency will be revoked and renewal of a license will be denied

**Exception:** A person who wants to operate or to volunteer or work at a licensed child placing agency, but who is disqualified because of a criminal conviction that is not a barrier crime may apply for a waiver from the Commissioner of the Virginia Department of Social Services.

## BARRIER CRIMES FOR CHILD-PLACING AGENCIES AND FOR FOSTER AND ADOPTIVE HOMES APPROVED BY CHILD-PLACING AGENCIES

*(§§ 63.2-1719, 63.2-1720, and 63.2-1721 of the Code of Virginia)*

<p>In addition to the offenses listed below, also included as barrier crimes are 1) the conviction of any other felony unless 5 years have elapsed since conviction; and 2) a founded complaint of child abuse or neglect within or outside the Commonwealth.</p> <p>Convictions include prior adult convictions, juvenile convictions and adjudications of juvenile delinquency if offenses involved would be a felony if committed by an adult within or outside the Commonwealth.</p>	63.2-1719
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OFFENSE  * Or Equivalent Offense in Another State	CODE SECTION
Abduction (Kidnapping)	18.2-47 A or B
Abduction with Intent to Extort Money or for Immoral Purpose	18.2-48
Abuse and Neglect of Children	18.2-371.1
Abuse and Neglect of Incapacitated Adults	18.2-369
Adulteration of Food, Drink, Drugs, Cosmetics, etc.	18.2-54.2
Aggravated Malicious Wounding	18.2-51.2
Aggressive Use of a Machine Gun	18.2-290
Allowing a child to be present during manufacture or attempted manufacture of methamphetamine	18.2-248.02
Assault or Assault and Battery Exception: Child-placing agency may approve as foster or adoptive parent an applicant convicted of not more than one misdemeanor offense not involving the abuse, neglect, or moral turpitude of a minor if 10 years have elapsed following the conviction. 63.2-1721 E.	18.2-57
Assault and Battery Against a Family or Household Member	18.2-57.2
Assisting individuals in unlawfully procuring prescription drugs (Felony Convictions)	18.2-258.2
Attempted Aggravated Sexual Battery	18.2-67.5
Attempted Forcible Sodomy	18.2-67.5
Attempted Object Sexual Penetration	18.2-67.5
Attempted Rape	18.2-67.5
Attempted Sexual Battery	18.2-67.5
Attempts to Poison	18.2-54.1

Bodily Injuries Caused by Prisoners, Probationers or Parolees	18.2-55
Breaking and Entering Dwelling House with Intent to Commit Other Misdemeanor	18.2-92
Burglary	18.2-89
Burning Building or Structure While in such Building or Structure with Intent to Commit Felony	18.2-82
Burning or Destroying any Other Building or Structure Exception: Child-placing agency may approve as a kinship foster care parent an applicant convicted of a misdemeanor offense or an equivalent offense in another state provided that 10 years have elapsed from the date of the conviction and the local board or child-placing agency makes a specific finding that approving the kinship foster care placement would not adversely affect the safety and well-being of the child. 63.2-901.1 F.	18.2-80
Burning or Destroying Dwelling House, etc.	18.2-77
Burning or Destroying Meeting House, etc.	18.2-79
Burning or Destroying Personal Property, Standing Grain, etc. Exception: Child-placing agency may approve as a kinship foster care parent an applicant convicted of a misdemeanor offense or an equivalent offense in another state provided that 10 years have elapsed from the date of the conviction and the local board or child-placing agency makes a specific finding that approving the kinship foster care placement would not adversely affect the safety and well-being of the child. 63.2-901.1 F.	18.2-81
Carelessly Damaging Property by Fire Exception: Child-placing agency may approve as a kinship foster care parent an applicant convicted of a misdemeanor offense or an equivalent offense in another state provided that 10 years have elapsed from the date of the conviction and the local board or child-placing agency makes a specific finding that approving the kinship foster care placement would not adversely affect the safety and well-being of the child. 63.2-901.1 F.	18.2-88
Carjacking	18.2-58.1
Carnal Knowledge of Certain Minors	18.2-64.1
Carnal Knowledge of Child Between 13 and 15	18.2-63
Carnal Knowledge of an Inmate, Parolee, Probationer or Pretrial or Posttrial Offender	18.2-64.2
Causing, Inciting, etc. Threats to Bomb or Damage Buildings or Means of Transportation; False Information as to Danger to such Buildings, etc.	18.2-84
Certain Premises Deemed Common Nuisance (Felony Convictions)	18.2-258
Crimes Against Nature Involving Children	18.2-361
Delivery of Drugs, Firearms, Explosives, etc. to Prisoners	18.2-474.1
Disarming a Law Enforcement or Correctional Officer	18.2-57.02
Distribution of Certain Drugs to Persons Under Eighteen (Felony Convictions)	18.2-255
Drive-By Shooting	18.2-286.1

<b>Drug Attempts (Felony Convictions)</b> <b>Exception: Child-placing agency may approve as a kinship foster care parent an applicant convicted of felony attempts to possess drugs provided 10 years have elapsed from the date of the conviction (civil rights do not have to be restored) and the local board or child-placing agency makes a specific finding that approving the kinship foster care placement would not adversely affect the safety and well-being of the child.. 63.2-901.1 F.</b>	18.2-257
<b>Drug Conspiracy (Felony Convictions)</b> <b>Exception: Child-placing agency may approve as a kinship foster care parent an applicant convicted of felony conspiracy to possess drugs provided 10 years have elapsed from the date of the conviction (civil rights do not have to be restored) and the local board or child-placing agency makes a specific finding that approving the kinship foster care placement would not adversely affect the safety and well-being of the child.. 63.2-901.1 F.</b>	18.2-256
<b>Electronic Facilitation of Pornography</b>	18.2-374.3
<b>Employing or Permitting Minor to Assist in Obscenity and Related Offenses</b>	18.2-379
<b>Entering Bank, Armed, with Intent to Commit Larceny</b>	18.2-93
<b>Entering Dwelling House, etc. with Intent to Commit Larceny, Assault and Battery or Other Felony</b> <b>Exception: Child-placing agency may approve as foster parent an applicant convicted of statutory burglary for breaking and entering a dwelling home or other structure with intent to commit larceny, who has had his civil rights restored by the Governor, provided 25 years have elapsed following the conviction. 63.2-1721 F.</b>	18.2-91
<b>Entering Dwelling House, etc. with Intent to Commit Murder, Rape, Robbery or Arson</b>	18.2-90
<b>Escape from Jail</b>	18.2-477
<b>Extortion by Threat</b>	18.2-59
<b>Failing to Secure Medical Attention for Injured Child</b>	18.2-314
<b>Felonies by Prisoners</b>	53.1-203
<b>Firearms – Allowing Access by Children</b>	18.2-56.2
<b>Hazing of Student at School, College, or University</b>	18.2-56
<b>Hazing of Youth Gang Members</b>	18.2-55.1
<b>Homicide</b>	18.2-33
<b>Incest</b>	18.2-366 B
<b>Involuntary Manslaughter</b>	18.2-36.1
<b>Involuntary Manslaughter; Operating a Watercraft While Under the Influence</b>	18.2-36.2
<b>Killing a Fetus</b>	18.2-32.2
<b>Maiming, etc. of Another Resulting from Driving While Intoxicated</b>	18.2-51.4
<b>Maiming, etc. of Another Resulting from Operating a Watercraft While Intoxicated</b>	18.2-51.5
<b>Maintaining a Fortified Drug House (Felony Convictions)</b>	18.2-258.02

Malicious Bodily Injury by Means of any Caustic Substance or Agent or Use of any Explosive or Fire	18.2-52
Malicious Bodily Injury to Law Enforcement Officers	18.2-51.1
Malicious Wounding by Mob	18.2-41
Manufacture, Possession, Use, etc. of Fire Bombs or Explosive Materials or Devices	18.2-85
Manufacturing, Selling, Giving, Distributing or Possessing with Intent to Manufacture, Sell, Give, or Distribute a Controlled Substance or an Imitation Controlled Substance (Felony Convictions)	18.2-248
Manufacturing, Selling, Giving, Distributing or Possessing with Intent to Manufacture, Sell, Give, or Distribute Methamphetamine (Felony Convictions)	18.2-248.03
Manufacturing, Selling, Giving, Distributing or Possessing with Intent to Manufacture, Sell, Give, or Distribute Any Anabolic Steroid (Felony Convictions)	18.2-248.5
Manufacturing, Selling, Giving, Distributing or Possessing the substances Gamma-Butyrolactone or 1, 4, Butanediol, when Intended for Human Consumption – (Felony Convictions)	18.2-251.3
Murder, Capital	18.2-31
Murder, First and Second Degree	18.2-32
Murder of a Pregnant Woman	18.2-32.1
Obtaining Drugs, Procuring Administration of Controlled Substances, etc. by Fraud, Deceit or Forgery (Felony Convictions)	18.2-258.1
Pandering (See Taking, Detaining, etc. Person for Prostitution etc. or Consenting Thereto)	18.2-355
Pointing Laser at Law Enforcement	18.2-57.01
Possession and Distribution of Flunitrazepam (Felony Convictions) Exception: Child-placing agency may approve as a kinship foster care parent an applicant convicted of felony possession of flunitrazepam provided 10 years have elapsed from the date of the conviction (civil rights do not have to be restored) and the local board or child-placing agency makes a specific finding that approving the kinship foster care placement would not adversely affect the safety and well-being of the child.. 63.2-901.1 F.	18.2-251.2
Possession of Burglarious Tools, etc.	18.2-94
Possession, Reproduction, Distribution, or Facilitation of Child Pornography	18.2-374.1:1
Possession of Drugs (Felony Convictions) Exceptions: 1) Child-placing agency may approve as foster or adoptive parent an applicant who has had his civil rights restored by the Governor, provided 10 years have elapsed since the conviction. 63.2-1721. G. 2) Child-placing agency may approve as a kinship foster care parent an applicant convicted of felony possession of drugs provided 10 years have elapsed from the date of the conviction (civil rights do not have to be restored) and the local board or child-placing agency makes a specific finding that approving the kinship foster care placement would not adversely affect the safety and well-being of the child.. 63.2-901.1 F.	18.2-250

Possession of Infectious Biological Substances	18.2-52.1
Possession or Use of a Sawed-Off Shotgun or Rifle in a Crime of Violence	18.2-300 A
Production, Publication, Sale, Possession with Intent to Distribute, Financing etc. of Sexually Explicit Items Involving Children	18.2-374.1
Rape	18.2-61
Reckless Endangerment	18.2-51.3
Reckless Handling of Firearms; Reckless Handling While Hunting	18.2-56.1
Robbery	18.2-58
Sale of Drugs on or near Certain Properties (Felony Convictions)	18.2-255.2
Setting Fire to Woods, Fences, Grass, etc.	18.2-86
Setting off Chemical Bombs Capable of Producing Smoke Exception: Child-placing agency may approve as a kinship foster care parent an applicant convicted of a misdemeanor offense or an equivalent offense in another state provided that 10 years have elapsed from the date of the conviction and the local board or child-placing agency makes a specific finding that approving the kinship foster care placement would not adversely affect the safety and well-being of the child. 63.2-901.1 F.	18.2-87.1
Setting Woods, etc. on Fire Intentionally Whereby Another is Damaged or Jeopardized Exception: Child-placing agency may approve as a kinship foster care parent an applicant convicted of a misdemeanor offense or an equivalent offense in another state provided that 10 years have elapsed from the date of the conviction and the local board or child-placing agency makes a specific finding that approving the kinship foster care placement would not adversely affect the safety and well-being of the child. 63.2-901.1 F.	18.2-87
Sexual Abuse of a Child Under 15 Years of Age	18.2-67.4:2
Sexual Battery	18.2-67.4
Sexual Battery - Aggravated	18.2-67.3
Sexual Battery - Infected	18.2-67.4:1
Sexual Penetration - Object	18.2-67.2
Shooting, etc. in Committing or Attempting a Felony	18.2-53
Shooting, Stabbing, etc. with Intent to Maim, Kill, etc.	18.2-51
Sodomy - Forcible	18.2-67.1
Stalking (Felony Convictions)	18.2-60.3
Strangulation of Another	18.2-51.6
Taking, Detaining, etc. Person for Prostitution etc. or Consenting Thereto (See Pandering)	18.2-355
Taking Indecent Liberties with Child by Person in Custodial or Supervisory Relationship	18.2-370.1
Taking Indecent Liberties with Children	18.2-370

<b>Threats of Death or Bodily Injury</b>	<b>18.2-60</b>
<b>Threats to Bomb or Damage Buildings or Means of Transportation; False Information as to Danger to Such Buildings, etc.</b>	<b>18.2-83</b>
<b>Transporting Controlled Substances into the Commonwealth (Felony Convictions)</b>	<b>18.2-248.01</b>
<b>Use of a Machine Gun in a Crime of Violence</b>	<b>18.2-289</b>
<b>Use or Display of Firearm in Committing Felony</b>	<b>18.2-53.1</b>
<b>Violation of a Protective Order (Felony Convictions)</b>	<b>16.1-253.2 or 18.2-60.4</b>
<b>Voluntary Manslaughter</b>	<b>18.2-35</b>